

REMARKS

This Amendment is being filed in response to the Final Office Action mailed September 27, 2006 which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 21-24 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 21-24 have been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claims 21-24 has been overcome and an indication as such is respectfully requested.

In the Final Office Action, claim 20 is rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,449,021 (Ohta). Claims 1-12, 14-19 and 21-24 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ohta in view of PCT Publication No. WO 01/35409 (Christopher). Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Ohta and Christopher in view of U.S. Patent No. 5,911,029 (Sakaguchi). It is respectfully submitted that claims 1-24 are patentable over Ohta, Christopher and Sakaguchi for at least the following reasons.

Ohta is directed to an information processing apparatus capable of accurately detecting one or more commercials included in a television broadcast. A commercial candidate segment detector 16 (FIG 2) detects a commercial candidate segment on the basis of silent segments and scene change points. As shown in FIG 2, the Ohta apparatus includes a scene change detector 15 that detects a single "scene change with respect two successive frames." (Column 8, lines 14-15; see also column 8, lines 24 and 51)

As specifically recited on column 9, lines 30-35:

the commercial candidate segment detector 16, as shown in FIG. 12C, if time of a single scene change segment or the total time of two or more adjacent scene change segments is an integer multiple of 15 seconds and the segments are stereo segments, judges the segments as commercial candidate segments.

Thus, a commercial candidate is detected in Ohta based on the time of scene change segments.

Further, column 9, line 66 to column 10, line 29 discloses a

long process where commercial candidate segments are finally "judged as a commercial segment." (Column 10, line 29, emphasis added) In particular, scene changes (FIG 14B) that occur during silent segments (FIG 14A) are grouped in time of integer multiples of 15 seconds (FIG 14D), where groups having a sound multiplex mode signal of 1 are selected as commercial candidate segments (FIG 14E). Finally, resulting commercial candidate segments that include more than one scene changes are judged as a commercial segment (FIG 14G).

It is respectfully submitted that the Ohta does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7, 10 and 20 which, amongst other patentable features, requires (illustrative emphasis provided):

detecting a plurality of separators based on said generated compressed video data, each of said separators is defined by detecting at least two consecutive scene changes within a number of consecutive frames.

There is simply no teaching or suggestion in Ohta of detecting separators by detecting two consecutive scene changes. Even if Ohta did disclose such separators, Ohta does not teach or suggest:

determining the beginning and ending of a commercial break among said plurality of separators by comparing a gap between said plurality of separators,

as recited in independent claim 1, and similarly recited in independent claims 7 and 10.

Instead of detecting commercials by comparing a gap between separators, which are defined by two consecutive scene changes, Ohta detects commercials using a long process described above in connection with FIGs 14A-14G.

Further, column 11, line 39 to column 12, line 29 describes another long process where a commercial candidate is judged to be a commercial segment based on the number of frames being within an acceptable error.

For example, a commercial candidate block A (formed from segments a, b and c shown in FIG 18D) is judged to be a commercial block since the frame count (of segments a, b and c) is 1803 which is within the expected range of 1800 ± 3 . By contrast, commercial candidate block B (formed from segments d, e, f and g shown in FIG 18D) is judged to be a NOT commercial block since the frame count (of segments d, e, f and g) is 910, which is outside the expected

range. (See Column 11, line 60 to column 12, line 8).

On column 12, lines 17-49, Ohta discloses judging two commercial blocks A and B separated by two scene change segments 5 and 6, as a single commercial block (segments 1-10), since the "number of frames (150 in this case) is smaller than or equal to a predetermined threshold value (e.g., 300 frames(10 seconds)). Column 12, line 22-24. (Emphasis added)

Such disclosure in Ohta is not related to and does not teach or suggest "determining the beginning and ending of a commercial break among said plurality of separators by comparing a gap between said plurality of separators," as recited in independent claim 1, and similarly recited in independent claims 7 and 10. Ohta does not appear to use any gaps between separators to detect the beginning and ending of a commercial. Christopher and Sakaguchi are cited to allegedly show other features and do not remedy the deficiencies in Ohta.

Accordingly, it is respectfully submitted that independent claims 1, 7, 10 and 20 should be allowable. In additions, claims 2-6, 8-9, 11-19 and 21-24 should be allowable at least based on their dependence from independent claims 1, 7, 10 and 20.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By *Dicran Halajian*
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101